

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

March 20, 2007

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In the Matter of  
Donald Linhares

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Docket No. 2007-002  
File No. SE 44-908  
Mattapoisett

**RECOMMENDED FINAL DECISION**

A&D Company filed a request for an adjudicatory hearing concerning a Superseding Order of Conditions issued by MassDEP to Donald Linhares. By letter dated March 16, 2007 the petitioner indicated that it “hereby withdraws the appeal” and moved to cancel the prescreening conference scheduled for March 23, 2007. I cancel the scheduled prescreening conference and recommend the request to withdraw be allowed and the appeals dismissed as moot, pursuant to 310 CMR 1.01(6)(e) and 310 CMR 1.01(5)(a)(15) f.ii.

**NOTICE**

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(e), and may not be

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appealed to Superior Court pursuant to M.G.L. c.30A. The Commissioner's Final Decision is subject to rights and reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this Recommended Final Decision or any portion of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

This final document copy is being provided to you electronically by the  
Department of Environmental Protection. A signed copy of this document  
is on file at the DEP office listed on the letterhead.

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Ann Lowery  
Presiding Officer

***Adopted by Acting Commissioner Arleen O'Donnell March 23, 2007.***